# In the Supreme Court of the United States

OCTOBER TERM, 1950

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No. 636

ELENA MARIE ANGLIN

*v.*

THE UNITED STATES OF AMERICA AND ALICE E. BARRON

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*ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT*

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## MEMORANDUM FOR THE UNITED STATES

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This case involves a dispute between the petitioner, Elena Marie Anglin, wife of a deceased navy enlisted man, and the respondent, Alice E. Barron, his mother, as to the disposition of the proceeds payable by the Government under a $10,000 life insurance policy issued to the deceased under the National Service Life Insurance Act.

Respondent filed a claim for the benefits of the policy with the Veterans Administration and on

October 8, 1946, that agency authorized payment to her. These payments were stopped on May 23, 1947, after the petitioner filed a claim to the insurance proceeds. Following disallowance of her claim by the Veterans Administration, petitioner, on August 31, 1948, instituted this suit against the United States and respondent Alice E. Barron contending that she had been designated by the deceased as beneficiary of the insurance policy. In its answer to the complaint, the United States declared its readiness to pay the insurance proceeds to the party entitled to receive them.

The district court found that the insured had not changed the designated beneficiary under the policy from his mother, respondent here, to his wife, petitioner here, and therefore decreed that the United States pay the proceeds to respondent. This judgment was affirmed by the court below.

Because the Government has no interest in this controversy other than to pay the proceeds of the insurance, admittedly due, to the proper beneficiary, the Government in effect occupies the role of a stakeholder and therefore takes no position as to whether the writ of certiorari should issue.

Respectfully submitted.

PHILIP B. PERLMAN,
*Solicitor General.*

APRIL 1951.

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